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Report of the Special Rapporteur on violence against women, its causes and consequences on her mission to Georgia*

Note by the Secretariat

The Secretariat has the honour to transmit to the Human Rights Council the report of the Special Rapporteur on violence against women, its causes and consequences, Dubravka Šimonović, on her mission to Georgia from 15 to 19 February 2016. In the report, the mandate holder examines the gaps and challenges in fulfilling the State's obligation to eliminate violence against women, its causes and consequences and recommends measures for preventing and combating violence against women and ensuring the enjoyment of human rights by women in the country.

* The present report was submitted after the deadline in order to reflect the most recent developments.

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Report of the Special Rapporteur on violence against women, its causes and consequences on her mission to Georgia**

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** Circulated in the language of submission only.

I. Introduction

1. At the invitation of the Government of Georgia, the Special Rapporteur on violence against women, its causes and consequences, Dubravka Šimonović, visited Georgia from 15 to 19 February 2016.

2. The Special Rapporteur expresses her sincere gratitude to the Government for its full cooperation. During her visit, she met with the Deputy Minister of Labour, Health and Social Affairs; the Minister of Foreign Affairs; the Deputy Minister of Internal Affairs; the Deputy Minister of Economy and Sustainable Development; the Deputy Minister of Education and Science; the Deputy Minister of Corrections and Legal Assistance; the First Deputy State Minister for Reconciliation and Civic Equality; the First Deputy Minister of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees; and the Minister of Justice and other ministry representatives. She also met with the Assistant to the Prime Minister on Human Rights and Gender Equality Issues, the First Deputy Chairman of the Parliament, the Chairman of the Gender Equality Council of the Parliament and with the Head of the Division of Human Rights Protection at the Public Prosecutor's Office.

3. She also met with the Public Defender and held consultations with civil society organizations, as well as with the President, members of the Supreme Court, judges from Tbilisi City Court and representatives of United Nations agencies.

4. The Special Rapporteur visited the Kakheti region, where she met with the governor of the region, inhabitants of Kabala, and civil society organizations and the Council of Women Elders in the village of Duisi, in Pankisi Gorge. She visited the Shida Kartli region and a settlement for internally displaced persons in the village of Skra, where she met with internally displaced women. She also visited a shelter in the city of Gori and would like to thank the women survivors of violence who shared their experiences with her throughout the visit.

5. The mandate holder expresses her gratitude to the Office of the United Nations High Commissioner for Human Rights, the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), the Office of the United Nations High Commissioner for Refugees (UNHCR) and other United Nations agencies and other interlocutors involved in the organization of her visit.

6. She shared her preliminary findings with the Government of Georgia at the end of her official visit and looks forward to a fruitful dialogue with the Government and other stakeholders on the implementation of the action-oriented recommendations included in the present report.

II. General context

7. On 9 April 1991, Georgia declared its independence from the Soviet Union and was confronted with groups demanding independence for certain parts of the country, which resulted in conflicts and the declaration of independence of Abkhazia and the Tskhinvali region/South Ossetia.[1] As a consequence of conflicts occurring in 1990-1992, about 360,000 persons were displaced. By November 2004, 241,032 internally displaced persons

[1] E/CN.4/2006/71/Add.7.

had been registered.[2] In August 2008, another conflict erupted in Abkhazia and the Tskhinvali region/South Ossetia, creating a smaller wave of internally displaced persons.[3]

8. On 27 June 2014, Georgia signed association agreements with the European Union, with the aim of achieving political and economic integration and development, implementing the reform agenda and strengthening cooperation with the European Union.[4]

III. Manifestations of violence against women, its causes and consequences

9. During the visit, the Special Rapporteur learned that violence against women in Georgia is widespread and occurs both in the private and the public spheres, in urban and rural areas. The mandate holder found that, as a result of the persistence of entrenched patriarchal attitudes and gender stereotypes, gender-based violence is tolerated. She analyses some of its manifestations below. Although not exhaustive, the list illustrates the most prevalent manifestations of violence in the country that were discussed during her visit.

Violence against women, including domestic violence

10. Despite the efforts made by the Government, including the adoption in 2006 of a Law on Elimination of Domestic Violence, Protection and Support of Victims of Violence (Law on Domestic Violence) and the criminalization of domestic violence in 2012, the mandate holder notes that domestic violence, including physical, sexual and psychological abuse, is still considered a private matter and not an issue of public concern in most parts of the country. The incidence of domestic violence is still underreported, partly owing to the lack of public awareness about this societal problem, fear of retaliation and stigmatization, a lack of trust in law enforcement agencies and the low quality of existing services and protection mechanisms for victims of violence.[5]

11. A national study conducted in 2009 shows that 1 in 11 of the women interviewed had experienced physical or sexual abuse at the hands of her husband or intimate partner and 34.7 per cent of women had been injured as a result of physical or sexual violence.[6] Perpetrators of violence against women also include former intimate partners and family members. The main patterns of violence are physical, sexual, psychological and economic abuse, as well as coercion.[7]

12. During the first half of 2015, the Public Defender's Office registered 1,478 cases of domestic violence. In 93 per cent of the cases registered, the perpetrator was a man and in 87 per cent of cases the victims were women.[8] The Special Rapporteur regrets that the estimates for cases of domestic violence are based on the number of restraining orders issued, leaving invisible an undefined number of cases and not reflecting the real amplitude of this scourge. She is concerned that some cases are registered by the police under the category of "family conflict", which may also render cases of domestic violence invisible.

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[2] Ibid.

[3] A/HRC/10/13/Add.2.

[4] http://eeas.europa.eu/top_stories/2014/270614_association_agreement_en.htm.

[5] Background note provided by UN-Women.

[6] Marine Chitashvili and others, *National Research on Domestic Violence against Women in Georgia: Final Report* (Tbilisi, 2009), pp. 33 and 44.

[7] Ibid, p. 24.

[8] Background note provided by the Public Defender's Office. For example, in 2015, 2,726 restraining orders were issued.

13. According to the Public Defender's special report on violence against women, in 2014 and 2015 domestic violence most commonly involved both psychological and physical abuse. The national study carried out in 2009 indicates that the most common components of psychological abuse reported by the women interviewed were insults (14.3 per cent), belittling/humiliation (5.3 per cent), intimidation (5.1 per cent) and threats (3.8 per cent).[9] Of the women interviewed, 35.9 per cent reported exposure to acts intended to control their behaviour, with a higher prevalence among women who had not completed secondary education (60 per cent) than among those who had completed secondary, technical or higher education (35 per cent). Of those who reported having experienced such acts, 76.6 per cent did not have an income of their own.[10]

14. The Special Rapporteur notes that the factors most likely to increase the risk of intimate-partner violence include discriminatory gender stereotypes and patriarchal attitudes, women's low awareness of their rights, the occurrence of child and forced marriages and a lack of economic independence.[11] In addition, the consumption of alcohol, economic problems and unemployment also contribute to the occurrence of domestic violence.[12]

15. Most of the women interviewed perceive domestic violence as a private matter. In 2009, 78.3 per cent of the women interviewed in the national study — the majority from rural areas — stated that family problems should be discussed exclusively within the family, and 52.1 per cent stated that if a woman was mistreated by her partner, people outside the family should not intervene.[13] When it came to disclosing abuse, 27.8 per cent of the women interviewed did not tell anyone. Of the women who spoke about the abuse they experienced, 47.5 per cent told their parents, 31.2 per cent told their friends, 22.4 per cent told one of their siblings and 14.8 per cent told the husband's family.[14] Only a small number of the women reported the case to social services or official institutions.[15]

16. According to the 2010 reproductive health survey, verbal and/or physical abuse in marriage was, in general, more prevalent among women with a lower level of formal education and lowest socioeconomic status, as well as among Azeri women or those from other ethnic backgrounds.[16] Domestic violence is considered to be more prevalent in minority groups, including Azeri and Armenian communities, in particular in rural areas.[17]

Sexual violence, including rape

17. UN-Women, in its background note, indicated that in 2014, 80 cases of sexual violence had been registered, including 20 cases of rape. In 2015, those figures stood at 87 and 13, respectively. The Special Rapporteur regrets that no survey on the incidence of sexual violence has been conducted in the country and expresses concern that sexual crimes are underreported by victims, for reasons including fear of social stigma, including the importance placed on women's virginity and family honour; fear of the perpetrator; a lack

[9] Chitashvili and others, *National Research*, p. 36.
[10] Ibid.
[11] Cases of violence perpetrated by mothers-in-law were also reported.
[12] Chitashvili and others, *National Research*, pp. 36 and 51.
[13] Ibid., p. 37.
[14] Ibid., pp. 36 and 51.
[15] Ibid.
[16] Ed. John Ross. "Reproductive health survey Georgia: final report", (National Centre for Disease Control and Public Health, Ministry of Labour, Health and Social Affairs, National Statistics Office of Georgia, 2010), p. 312.
[17] Andrea Peinhopf, "Ethnic minority women in Georgia – facing a double burden?" (European Centre for Minority Issues, 2014).

of confidence in the law enforcement authorities; and a lack of specialized services. The Public Prosecutor's Office indicated that 32 persons were prosecuted in 2014 under article 137 of the Criminal Code relating to rape, while 21 people were prosecuted in 2015 under that article, including one for marital rape.

18. The mandate holder was informed that sexual harassment in the workplace is a frequent, but underreported, problem that stigmatizes women.[18] As early as 2006, the Committee on the Elimination of Discrimination against Women recommended that the State bring article 2 (4) of the Labour code, which deals with harassment but does not explicitly refer to sexual harassment or its various forms, into line with general recommendation No. 19 (1992) on violence against women.[19] She regrets that there is no data available on the prevalence of sexual harassment, or on other forms of harassment, such as harassment in the public space, which are not considered as violence.

Femicides or gender-related killings of women

19. In 2014, the Committee on the Elimination of Discrimination against Women expressed concern about the growing number of women killed by their intimate partners and recommended that measures should be taken to prevent such killings.[20] In 2015, as part of the follow-up to the recommendations, the Public Defender's Office published a special report on violence against women and domestic violence in Georgia,[21] in which it provided data on 34 women killed because of their gender in 2014. The Special Rapporteur was informed that in 2015 fewer femicides and gender-related killings had been registered.[22]

20. The Special Rapporteur noted that in many cases of killings committed by former or current intimate partners, the victims had reported acts of violence to the police but had not been provided with adequate and effective protection.

21. She wishes to commend the Public Defender on his work on monitoring femicide and to reiterate the call she made for all States to establish a "femicide watch" or "gender-related killing of women watch" and to collect, and release each year on the International Day for the Elimination of Violence against Women (25 November), data on the number of femicides. Most importantly each case should be carefully analysed to identify any failure of protection with a view to improving and developing further preventive measures.

Suicides among women victims of systematic violence

22. The Special Rapporteur was informed that an undefined number of suicides had occurred among women victims of systematic violence and young women, who allegedly committed suicide as a result of girl-child and forced marriage.[23]

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[18] Public Defender of Georgia, *Annual Report of the Public Defender of Georgia*, (2014).

[19] Background note provided by the Human Rights House Network. See article 42 of the Constitution and CEDAW/C/GEO/CO/3.

[20] CEDAW/C/GEO/CO/4-5.

[21] See www.ombudsman.ge/uploads/other/3/3389.pdf.

[22] Data from the Public Prosecutor's Office.

[23] Background note provided by Union Sapari. See also Public Defender of Georgia, *Violence against Women and Domestic Violence in Georgia: Special Report 2015* (Office of the Public Defender of Georgia, 2015), p. 40 and Public Defender of Georgia, "The Situation of Human Rights and Freedoms in Georgia: 2014", *Annual Report of the Public Defender of Georgia* (Office of the Public Defender of Georgia, 2014). It is estimated that 36 women committed suicide in 2014. See www.geostat.ge/cms/site_images/_files/english/health/Women%20and%20Men_2015.pdf.

Child and forced marriages

23. The Special Rapporteur is concerned about the high prevalence of cases of child and forced marriages throughout the country. She was informed that in 2015, 611 registered marriages involving at least one person under 18 years of age. In 578 of these cases, the girl was a minor.[24]

24. The mandate holder was informed that in 2015, 224 pupils aged 14 to 16 and 351 pupils aged 17 to 18 had dropped out of school because of child marriage. She is concerned about the high number of girls who drop out of school as a consequence of their marriage and highlights that these girls are more vulnerable to violence, including marital rape, because of the lack of education, reduced prospects and economic independence, which could prevent them from escaping situations of abuse. This practice also leads to early pregnancies and could be also linked with the rate of maternal mortality rate, estimated at 36 deaths per 100,000 live births in 2015.[25] The Public Defender reported on the suicide of a 16-year-old girl, possibly related to forced marriage.

25. The main reasons behind this practice, as explained during her visit, include: poor public awareness, including of the illegality of child marriage, a low level of education among girls and their parents, poverty and, in some cases, the fear that the girls may be abducted.[26] That particular problem was more prevalent in the 1990s, in particular in rural areas and among ethnic minorities, including the Azeri community, where the vast majority of girls are married before the age of 18, or even 16. Other challenges include gaps in the support services provided to victims and ineffective response mechanisms.[27]

26. Many interlocutors explained that the majority of child and forced marriages take place against the girls' will or because of parental pressure. Other factors that contribute to girl-child marriage include the control exerted by society over women's sexuality, social stigma, including stigma relating to the loss of virginity before marriage, and a range of other social and religious pressures. The main regions affected by this harmful practice are the Kakheti, Kvemo-Kartli, Adjara and Guria regions.[28]

27. The Special Rapporteur was informed that on 17 October 2014 forced marriage had been criminalized under article 150[1] of the Criminal Code, relating to forced marriage, including unregistered marriage, and that on 26 November 2015,[29] a regulation permitting the marriage of a child aged between 16 and 18 with her/his parents' consent had been repealed and replaced by a law authorizing the courts to approve such marriages.

28. She was informed that, in 2015, an investigation has been launched into 179 cases under article 140 of the Criminal Code, relating to sexual intercourse or any other act of a sexual nature with a person who has not attained the age of 16 years, 33 cases had been closed and criminal pr[illegible]edings had been instigated in 115 cases. At the time of her visit, investigations were or[illegible]g in 29 cases, and the charges had been changed in 1 case.[30] Under the provisions of article 143 (3) (d) of the Criminal Code, relating to the unlawful imprisonment of a minor, investigations had been launched into 20 cases, 5 of which involved unlawful imprisonment for the purpose of marriage. Of those, 17 had been closed,

[24] Data shared by the Public Defender's Office.

[25] http://data.worldbank.org/indicator/SH.STA.MMRT. In 2014, 1,500 births involving mothers under the age of 18 were recorded. See https://iwpr.net/global-voices/georgia-tightens-early-marriage.

[26] Abduction has decreased since its criminalization in 2004 under article 143 of the Criminal Code on deprivation of liberty. See Peinhopf, "Ethnic minority women", pp. 11 and 19.

[27] Public Defender of Georgia, "Special report: early age marriages — challenges and solutions" (2016).

[28] https://iwpr.net/global-voices/georgia-tightens-early-marriage.

[29] Ibid.

[30] Background note provided by the Public Defender's Office.

criminal proceedings had been launched in 2 cases, and qualification was changed in 1 case. Investigations under article 150[1] had been launched with regard to 6 cases. Five of the cases were closed, while in 1 case the investigation was ongoing.[31] Published data indicates a weak enforcement of legislation and a need for awareness-raising and educational campaigns to prevent and combat this harmful practice.

29. The mandate holder highlights the importance of involving religious leaders in the fight against the harmful practice of child and forced marriage. She welcomes the public announcement made after her visit stating that imams will no longer endorse child marriage in the Pankisi Gorge, and looks forward to the implementation of that decision.

Prenatal sex selection

30. The mandate holder expresses concern about the existence of prenatal sex selection, as indicated in several surveys revealing that families decided to abort the pregnancy if they were expecting a girl. Research conducted by non-governmental organizations, involving interviews with 1,600 women, confirmed that the number of selective abortions was high, particularly in regions inhabited by ethnic minorities.[32] She regrets that no unified data were available on the prevalence of this practice. According to a 2015 study conducted by the United Nations Population Fund,[33] the sex ratio at birth was close to 110 male births per 100 female births. Although it seems this figure has decreased, the practice has by no means been abandoned.

31. Families decide to undergo sex-selective abortions for a range of reasons, including the greater value placed on sons, pressure on couples to have a son and economic concerns, such as the assumption that boys are more likely to provide financial support to their parents.[34]

Virginity tests

32. Societal pressure is one of the reasons that women undertake virginity tests, to prove their virginity to their husbands and relatives. In 2013, according to the information released by the Levan Samkharauli State Forensic Expertise Bureau, for the price of 175 lari (approximately $78), women could access services to test their virginity.[35] The Special Rapporteur is concerned that a State entity is performing such tests without measures to safeguard women's rights to privacy and fully informed consent. She remains concerned that many such tests are performed in order to conform with stereotypes relating to women's sexual behaviour.

Surrogate motherhood

33. The Special Rapporteur was informed that various foreign agencies have advertised and offered surrogate motherhood contracts to young women, and that the whole procedure

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[31] Ibid.

[32] See the alternative report to the Committee on the Elimination of Discrimination against Women concerning women's rights and gender issues in Georgia, prepared by 13 organizations working in the field of women's rights and gender and 2 women's networks, 2014. Available at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCEDAW%2fNGO%2fGEO%2f17610&Lang=en.

[33] Christophe Guilmoto, "Gender-biased sex-selection in Georgia: context, evidence and implications", (United Nations Population Fund, 2015), p. 11.

[34] Ibid.

[35] See http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/GEO/INT_CEDAW_NGO_GEO_17610_E.pdf.

of medically assisted procreation is not legally regulated. This lack of regulation could lead to violence and the exploitation of women entering such contracts, which are not based on clear legal provisions.

Specific groups at risk

34. Throughout her visit, the Special Rapporteur noted that specific groups of women, including women from ethnic minorities, rural women, internally displaced women, women refugees, lesbian, bisexual or transgender women and older women tend to suffer multiple forms of discrimination, making them more vulnerable to specific forms of violence.

35. Women belonging to ethnic minorities, including Azeri, Armenian, Ossetian, Kist, Yazidi and Roma women are not only discriminated against because of their gender; their minority status also increases their vulnerability to specific forms of violence. Gender stereotypes and gender-specific roles within the family and in society are still prevalent in those communities. Child marriage and, consequently, early pregnancy and/or a high dropout rate and domestic violence tend to be more prevalent in minority groups, particularly in rural areas.[36] In 2010, a reproductive health survey carried out in Georgia highlighted that Azeri women were almost twice as likely as ethnic Georgians to experience abuse in their marriages.[37]

36. The mandate holder was informed that rural women do not have the same access as urban women to information on their rights, services for victims of violence, means of economic empowerment or access to employment, which would allow them to leave abusive situations and to break the cycle of violence. Although she acknowledges the efforts of the Government, the Special Rapporteur is nevertheless concerned by reports that a language barrier exists for some minority ethnic groups and that, in some cases, women find it difficult to report cases of violence owing to a lack of interpretation.[38]

37. In the Pankisi Gorge, an area mainly inhabited by Kist and Chechen communities, it was estimated that between 60 and 80 per cent of young men joined the Salafist movement in 2011, exacerbating existing discriminatory practices towards women.[39] The mandate holder was informed that in the Pankisi Gorge, traditional Chechen/Kist rules based on the sharia law and Caucasian customs, were applied to settle cases involving family issues, although they are not aligned with Georgian legislation and the Convention on the Elimination of All Forms of Discrimination against Women.[40] The mandate holder recognizes the role of the Council of Women Elders in the village of Duisi, and highlights the importance of continuing to work with this council to apply both national legislation and accepted international standards in its work.

38. The Special Rapporteur was informed that, particularly in rural areas, many women do not own houses and live in their husband's, or his family's, house. Despite the introduction of an amendment to the Administrative Procedure Code of Georgia providing for the removal of the perpetrator from the place of residence of the victim, the mandate holder notes that this provision is not always applied, and that women have few opportunities to find a new place to live. This problem was also confirmed by the women interviewed, who stated that their chances of finding a new place to live on leaving a women's shelter were poor, due to reasons such as a lack of job opportunities and the low wages paid for low-skilled jobs.

[36] Peinhopf, "Ethnic minority women", p. 3.
[37] Ibid, p. 5. See also Ross, "Reproductive health survey Georgia: final report".
[38] Background note provided by the Public Defender's Office.
[39] Peinhopf, "Ethnic minority women", p. 24.
[40] Background note provided by UNHCR.

39. At the time of the visit, the number of internally displaced persons was estimated at about 274,000.[41] The Special Rapporteur notes that conflict has had a traumatic impact on displaced communities, in particular women, for example through the loss of family members or their homes and related human rights violations.[42]

40. While reports suggest that internally displaced women tend to be more affected by sexual and gender-based violence, the problem is mainly a hidden one among this group of women.[43] One of the reasons for this could be that, despite the efforts of the Government, sexual violence remains taboo in this section of the population and women do not come forward to talk about it.

41. The main issues highlighted by internally displaced women were the precarious conditions in which they live. Despite the Government's efforts to provide housing and a plot of land for cultivation to persons living in settlements, access to water, sanitation, education and health services, including contraceptives, seems to be limited. There are also concerns about the lack of job opportunities and the low level of financial support provided (45 lari, approximately $20).[44] The mandate holder is concerned that the living conditions of displaced women, in particular older women, who represent 60 per cent of the older displaced adults,[45] place them in a vulnerable and marginalized position. Generally, older internally displaced women live in poor economic conditions and are concerned about the cost of medicines and the small pensions they receive.[46]

42. The mandate holder was informed that lesbian, gay, bisexual and transgender persons suffer hostility, discrimination and violence because of their sexual orientation or gender identity. The Special Rapporteur was informed that the perpetrators of the violence that occurred during a gay pride event in 2013, during which 17 people were injured as a result of attacks allegedly carried out by thousands of people,[47] have yet to be brought to justice.[48] In 2014, the Human Rights Committee expressed concern about discrimination and social stigma, hate speech and acts of violence directed against lesbian, gay, bisexual and transgender persons, and recommended that the State should take effective measures to provide effective protection to this specific group and to ensure the investigation, prosecution and punishment of any act of violence motivated by the victim's sexual orientation or gender identity.[49]

[41] Taking into consideration the number of internally displaced persons with whom UNHCR works.
[42] Background note provided by Association Amagdari.
[43] Background note provided by UNHCR.
[44] UNHCR estimated that 200 lari (approximately $89) are necessary to live.
[45] Courtland Robinson and others, *Aging in Displacement: Assessing Health Status of Displaced Older Adults in the Republic of Georgia*, (John Hopkins Bloomberg School of Public Health, 2012), p. 1.
[46] Ibid., p. 3.
[47] See www.amnesty.org/en/latest/news/2013/05/georgia-homophobic-violence-mars-tbilisi-pride-event/.
[48] Background note provided by the Public Defender's Office.
[49] CCPR/C/GEO/CO/4.

IV. State responses and measures to address violence against women

A. Incorporating the international and regional framework on violence against women into national law

43. Georgia is a party to the main international human rights instruments, including the International Covenant on Civil and Political Rights and its optional protocols; the International Covenant on Economic, Social and Cultural Rights; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol; the Convention on the Elimination of All Forms of Discrimination against Women; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Rights of the Child and its first two optional protocols; and the Convention on the Rights of Persons with Disabilities. The State is a signatory to the Rome Statute of the International Criminal Court, and a party to the Convention relating to the Status of Refugees and the Convention relating to the Status of Stateless Persons.

44. The Constitution is the supreme law of Georgia and recognizes the supremacy of international treaties over domestic law, unless treaty provisions conflict with those of the Constitution. Despite this important constitutional provision, there is a lack of visibility and direct application of the Convention on the Elimination of All Forms of Discrimination against Women, as noted by the Committee on the Elimination of Discrimination against Women in its concluding observations on the combined fourth and fifth periodic reports of Georgia.[50] This was confirmed in discussions on this issue involving the Special Rapporteur, the chair of the Supreme Court and judges from Tbilisi City Court, who also stressed the importance of providing specific legal training to judges, prosecutors and lawyers on directly applying the provisions of the Convention and interpreting national legal provisions in the light of the Committee's jurisprudence.

45. In its concluding observations, the Committee also expressed concern regarding: the growing number of women who were murdered by their husbands or partners and of women who were victims of other forms of violence, including psychological, physical, economic and sexual violence; the low rate of reporting of cases of sexual and domestic violence against women owing to stigma and fear of the perpetrator, as well as the lack of trust in law enforcement agencies; the lack of State-funded crisis centres and shelters for women who were victims of domestic violence; and the fact that women were sometimes subjected to virginity tests in violation of their right to privacy.[51] The Committee identified violence against women as an issue for follow-up and requested a report on the implementation of those recommendations within two years.

46. The Human Rights Committee expressed concern about the underreporting of domestic violence owing to gender stereotypes, a lack of due diligence by law enforcement officers in investigating those cases and insufficient protection measures for victims, including inadequate enforcement of restraining and protective orders,[52] as well as a limited number of State-run shelters and support services.[53]

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[50] CEDAW/C/GEO/CO/4-5.

[51] Ibid.

[52] A protective order is issued by a court (judge) of first instance as part of administrative proceedings. It determines the temporary measures to protect a victim and is valid for up to six months. A restraining order defines the temporary measures to protect a victim of domestic violence. It is issued

47. In 2015, the Committee on the Elimination of Discrimination against Women adopted views under its Optional Protocol on communication No. 24/2009 (*X. and Y. v. Georgia*, in which the victim and her daughter had endured physical and sexual violence for several years. Despite several complaints lodged with the police, no criminal charges were brought against the husband. In this case, the Committee recognized that the State had failed to act with due diligence, and had failed to investigate and punish human rights violations, which constituted a violation of article 2 (b), (c), (d), (e) and (f) in conjunction with articles 1 and 5 (a) of the Convention and the Committee's general recommendation No. 19 and recommended that the State provide adequate financial compensation to the victims. It also recommended that the State provide adequate support to victims of domestic violence, including shelter and psychological support, implement awareness-raising campaigns, ratify the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) and introduce mandatory training for judges, lawyers and prosecutors. At the time of the visit, no compensation had been provided to the victims.

48. The mandate holder also notes that there is no national machinery to implement the treaty bodies' recommendations.

49. Following its universal periodic review in 2015, the Government of Georgia accepted a number of recommendations related to gender equality and violence against women.[54]

50. At the regional level, Georgia is a member of the Council of Europe and a participating State in the Organization for Security and Cooperation in Europe. It ratified the European Convention on Human Rights on 20 May 1999 and is subject to the jurisdiction of the European Court of Human Rights. Georgia signed the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) on 19 June 2014. The Special Rapporteur welcomes the announcement made during her visit that the Government intends to ratify the Convention in the spring of 2016, but she regrets that it had not yet been ratified at the time of drafting.

B. Constitutional, legislative and policy framework

51. The 1995 Constitution contains provisions on equality, including: article 14, which stipulates equality before the law, regardless of sex; article 36, which recognizes equality in marriage; and article 38, which establishes equality in social, economic, cultural and political life.

52. The Special Rapporteur recognizes that, during the past 10 years, Georgia has made several significant improvements to its legislative framework on gender equality and domestic violence. The measures have included: the adoption of the 2006 Law on Elimination of Domestic Violence, Protection and Support of Victims of Domestic Violence; the 2010 Law on Gender Equality; the 2014 Act on the Elimination of all Forms of Discrimination, which includes the prohibition of discrimination based on sex, sexual orientation and gender identity; the 2006 Law on Combating Human Trafficking; the 2014 Law on Internally Displaced Persons — Persecuted from the Occupied Territories of Georgia; and the amendments made to the Criminal Code in 2012 to include new provisions defining the scope and categories of domestic violence.

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by a police officer and must be approved by the court within 24 hours. Restraining orders are valid for up to one month (see articles 10 and 12 of the Law on Domestic Violence).

[53] CCPR/C/GEO/CO/4.

[54] A/HRC/31/15.

53. The Government has adopted a number of policies and strategies, including the 2014-2015 National Action Plan for the Implementation of the Human Rights Strategy, with the specific objective of achieving gender equality through the empowerment of women and combating domestic violence, and the 2015 National Action Plan for Combating Domestic Violence and Implementing Measures for the Protection of Victims of Domestic Violence. The Special Rapporteur welcomes the work on the subsequent draft Action Plan for 2016-2017, which will cover domestic violence and sexual violence.[55] The Government has approved the National Action Plan on Gender Equality for 2014-2016 and the National Human Rights Strategy. The National Action Plan on Combating Trafficking in Persons for 2015-2016 has also been adopted.

54. The Special Rapporteur welcomes the adoption of the 2012-2015 national action plan for the implementation of Security Council resolution 1325 (2000) on women, peace and security and the establishment of an inter-agency coordination group, led by the Assistant to the Prime Minister on Human Rights and Gender Equality Issues. She looks forward to the adoption of the subsequent plan for 2016-2017, which should involve all responsible agencies, in particular those working in local communities, as recommended by the Public Defender's Office.[56]

55. The 2014-2016 Gender Action Plan, prepared by the Ministry of Internal Affairs, was adopted with the objective of improving gender equality in all aspects of political, economic and social life. The mandate holder was informed that the role of women has been expanded within the police force and 500 female police officers have been recruited.

56. The mandate holder was also informed that the standard operating procedures on prevention and response to sexual and gender-based violence in the Tbilisi, Pankisi, Gori, Kutaisi, Zugdidi and Gali regions, designed to maximize the efficiency of coordinated action taken by governmental and non-governmental bodies, have been developed, under the auspices of UNHCR.[57]

57. The mandate holder welcomes the 2014 amendment to the Law on Elimination of Domestic Violence, Protection and Support of Victims of Domestic Violence, which covers physical, psychological, economic and sexual violence or coercion (art. 3). Nevertheless, she is concerned about the scope of the law, as it does not cover violence against women outside the family and provides a narrow definition of a "victim" in article 4 (f), namely a person who has suffered domestic violence. She is also concerned about how the "status of victim" is determined by law enforcement and judicial bodies, and the existence of the Group for Determining Domestic Violence Victim Status and ensuring that a relevant response is provided. These issues impede the ability of women survivors of violence to obtain immediate protection through restraining or protective orders and access to a State-run shelter, as victims without the status of victim are not permitted to stay in shelters.

58. While she welcomes the adoption of the Law on Gender Equality, which provides a definition of harassment, the Special Rapporteur is concerned that the law does not cover sexual harassment in education establishments or sexual harassment in the workplace.[58]

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[55] See http://georgia.unwomen.org/en/news/stories/2016/01/interagency-council-finalizes-draft-national-action-plan-to-combat-violence-against-women.

[56] See www.ombudsman.ge/uploads/other/3/3566.pdf.

[57] Background note provided by UNHCR.

[58] Public Defender of Georgia, "The situation of human rights and freedoms in Georgia: 2014", *Annual Report of the Public Defender of Georgia* (Office of the Public Defender of Georgia, 2014), p. 419. See also World Bank Group, *Women, Business and the Law 2016: Getting to Equal* (World Bank Publications, 2015).

59. Article 150[1] of the Criminal Code criminalizes forced marriage, including unregistered marriage. Article 140 of the Criminal Code criminalizes sexual intercourse or other acts of a sexual character committed between an adult and a child under 16 years of age. The mandate holder was informed that article 143 of the Criminal Code on illegal imprisonment can be used to prosecute kidnappers. While acknowledging that the Government has repealed the regulation permitting the marriage of a child aged between 16 and 18 with her or his parents' consent and that the courts are now solely responsible for authorizing such marriages in exceptional cases, the Special Rapporteur expresses concern that numerous child and forced marriages are not officially registered, and that the Government's lack of specific data on the number of such marriages constitutes an obstacle to the effective implementation of existing legislation.

60. The Special Rapporteur welcomes the adoption of Order No. 01-74/6 of 2014, which regulates the termination of pregnancy and prohibits, in paragraph 14 of the first addendum, the termination of pregnancy on the grounds of sex selection. While acknowledging this positive step, she regrets that no official statistics on sex-selective abortions are collected and notes with interest the will of the Government to develop a regulation on this issue.

61. The Special Rapporteur welcomes the above-mentioned legislative steps taken by the Government, but remains concerned about the inconsistent and fragmented legislative framework on violence against women, which is not yet fully in line with the Convention on the Elimination of All Forms of Discrimination against Women and the Istanbul Convention. She also expresses concern about the poor implementation of those international instruments owing to, inter alia, insufficient awareness of the content of the legal provisions, a lack of effective enforcement mechanisms, a lack of sufficient human and financial resources and the persistence of gender stereotypes and patriarchal attitudes.

62. During her visit, the mandate holder was informed that the Ministry of Justice was taking the lead in revising 17 laws,[59] with a view to harmonizing domestic legislation with the Istanbul Convention. Some of the important legislative amendments proposed include expanding the scope of the Law of Georgia on Elimination of Domestic Violence, Protection and Support of Victims of Domestic Violence to cover measures on combating violence against women and on domestic violence. The Ministry has also informed the mandate holder that the definitions of "violence against women", "victim", "family member" and "perpetrator" will be amended. With regard to the review of the Criminal Code, the Ministry has indicated that the definition of rape will be amended to comply with the Istanbul Convention and the scope of "aggravating circumstances" will be extended to include crimes against spouses, former spouses or partners, and persons in a vulnerable position.

63. Other amendments proposed include provisions to ensure that court mediation services will no longer handle cases relating to violence against women or domestic violence. Interlocutors confirmed that mediation is still used in cases of domestic violence. Under the proposed amendment to the Administrative Procedure Code of Georgia, a restraining order would be valid as soon as it is issued by a police officer and would not require a court to validate it.

[59] The laws revised are the following: the Criminal Code; the Civil Procedure Law; the Law on Domestic Violence; the Administrative Procedure Code; the Law on Lawyers; the Law on Local Self-Government; the Law on Arms; the Law on Legal Aid; the Law on the Rights of the Patients; Code on Imprisonment; the Law on Police; the Law on the Medical Practice; the Law on Public Service; Labour Code; the Law on the Legal Status of Aliens and Stateless Persons; the Law on Higher Education; the Law on Secondary Education.

64. Under the proposed amendments to the Law on Medical Practice, the Law on Patient Rights, the Law on Higher Education, the Law on General Education and the Law on Lawyers, confidentiality requirements would not bind doctors, medical personnel, teachers or lawyers if they reported to the relevant government agencies cases of violence against women or domestic violence. Under the Law of Georgia on the Legal Status of Aliens and Stateless Persons, an amendment is being proposed that would make it possible for a foreign woman who is the victim of violence to receive a temporary residence permit.

65. The Special Rapporteur welcomes the Government's recognition of shortcomings in the current legal framework on violence against women and looks forward to the speedy adoption of the above-mentioned amendments.

C. Institutional framework: national machinery and independent institutions

66. At the institutional level, the Permanent Inter-Agency Coordination Council for the Prevention of Domestic Violence was established in 2008 and the Gender Equality Council within the Parliament was created in Parliament in 2009. The main task of the Gender Equality Council is to coordinate the work on gender issues and to monitor the implementation of the national action plan on women, peace and security.

67. The mandate holder was informed of the appointment of advisers on gender equality in municipalities and self-governing cities to support the implementation of the Law on Gender Equality, as well as the establishment of the post of Assistant to the Prime Minister on Human Rights and Gender Equality Issues in 2013. It was reported that only a few municipalities had gender councils and gender advisers and that the Gender Equality Council of the Parliament had initiated amendments to the Law on Gender Equality in order to establish such institutional mechanisms at the local level.

68. The Special Rapporteur welcomes the commitment of the Government to further advance the agenda on gender equality and women's empowerment in Georgia, but reiterates the concerns expressed by the Committee on the Elimination of Discrimination against Women about the poor implementation of the Law on Gender Equality and regrets that the Gender Equality Council lacks adequate substantive, technical and administrative support and resources.[60] She also reiterates the Committee's concerns on the post of the Assistant to the Prime Minister on Human Rights and Gender Equality Issues created in the Office of the Prime Minister in 2013, and is concerned about the absence of a comprehensive mechanism in the executive branch for the coordination, implementation and monitoring of gender equality policies and the coordination of policies and measures to prevent and combat violence against women.[61]

69. In 2006 the Interagency Coordination Council on Combating Trafficking in Persons was established to take measures to combat human trafficking. The council approved the Strategy for Rehabilitation and Reintegration into Society of Victims of Trafficking in Persons. A special anti-trafficking unit under the Ministry of Internal Affairs was established in Adjara.

70. The Public Defender's Office, which maintains an "A" status accreditation under the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles), has established a department for gender equality. The Office has played an important role in addressing violence against women in Georgia and

[60] CEDAW/C/GEO/CO/4-5.
[61] Ibid.

has published a special report on violence against women and domestic violence, containing numerous recommendations drawn from the findings in that report. The Special Rapporteur was informed that inadequate resources prevent the Office from fulfilling its mandate.

V. Impact of discrimination against women on violence against women

71. During her visit, the Special Rapporteur learned about the patterns of discrimination and inequality that impeded the full enjoyment of women's rights. Despite the adoption of the 2010 Law on Gender Equality and the 2014 Act on the Elimination of All Forms of Discrimination, as well as other relevant pieces of legislation, major obstacles to de facto equality remain, owing to a number of factors, including the low political participation of women in public and private life and the pervasive nature of discriminatory gender stereotypes.

A. Low political participation of women in political and public life

72. The Special Rapporteur remains concerned about the low representation of women in the legislative and executive branches,[62] as already expressed by the Committee on the Elimination of Discrimination against Women. There are currently only 17 women in Parliament (11.3 per cent).[63] In February 2016, Georgia was ranked 147th in the world with regard to women's participation in parliament.[64] In 2006, at the municipal level, only 195 of 1,750 elected counsellors were women.[65]

73. Despite the amendments introduced to the electoral code and the organizational act on citizen's political unions relating to financial incentives for political parties nominating women candidates for parliamentary elections, women's participation in political and public life remains low. In this regard, the Special Rapporteur looks forward to the adoption of the law on mandatory quotas that specifies a minimum participation of 30 per cent of women in Parliament. However, she remains concerned that there is insufficient public and political acceptance of such temporary special measures for accelerating the advancement of women.

74. Women hold only 3 of the 19 ministerial posts in the Government. At the municipal level, only 10 per cent of those elected to self-government bodies were women. In municipalities mainly inhabited by ethnic minorities, women's participation was even lower. For example, of the 148 Members of Parliament appointed in Akhalkalaki, Ninotsminda, Gardabani, Mameuli and Tsalka Sakrebulos, only 4 were women.[66]

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[62] CEDAW/C/GEO/CO/4-5.

[63] See www.ipu.org/wmn-e/classif.htm.

[64] Ibid.

[65] See http://www.unwomen.org/~/media/headquarters/attachments/sections/csw/59/national_reviews/georgia_review_beijing20.ashx.

[66] See the written contribution to the Office of the United Nations High Commissioner for Human Rights, in relation to Human Rights Council resolution 27/24, "Equal participation in political and public affairs", submitted by the Public Defender (Ombudsman) of Georgia. 2FGeorgiaNHRI.doc&usg=AFQjCNHVortMZL-2kpi9PibPLVa0esgk-A&bvm=bv.119745492,d.bGg.

B. Discriminatory gender stereotypes

75. Despite the efforts made by the Government, United Nations agencies and civil society actors, particularly with regard to raising public awareness, gender stereotypes and patriarchal attitudes remain deeply entrenched and prevalent in society, infringing on women's enjoyment of the right to equality and perpetuating violence against women. The mandate holder observed that, especially in rural areas, much remains to be done to change patriarchal norms and public attitudes towards gender roles.[67]

76. The Special Rapporteur was informed that growing conservatism in the media and political debates, fuelled in some cases by religious institutions, has contributed to reinforcing gender stereotypes and patriarchal beliefs. According to a 2014 survey on men and gender relations in Georgia, 89 per cent of respondents agreed that a woman's main responsibility was to take care of her family.[68]

77. The Special Rapporteur is also concerned about the dissemination by the media of sexist remarks and widespread gender stereotypes,[69] which can have a negative impact on women's opportunities and social status, their professional careers and their participation in political and public life on an equal basis with men.

VI. Gaps and challenges in fulfilling the State's obligations to eliminate violence against women

A. Prevention

1. Data

78. While noting that article 6 of the Law on Elimination of Domestic Violence, Protection and Support of Victims of Domestic Violence provides for the creation of mechanisms for the prevention of domestic violence, which will be responsible for maintaining relevant statistics (art. 6 (c)), taking preventive measures against persons at risk of perpetrating acts of domestic violence (art. 6. (d)), implementing awareness-raising campaigns (para. (e)) and taking measures to protect and support victims (para. (g)). However, the mandate holder is concerned about the absence of centralized statistical data on domestic violence and on gender-based violence in general.

79. The Public Defender's Office informed the mandate holder that, in general, the acquisition of statistical data from governmental entities was a complex matter and that such data were not adequately analysed and used to inform policies.[70] During the visit, the Government acknowledged that the collection of data remained a challenge.

2. Education

80. While noting the efforts of the Government to deliver training workshops to law enforcement officers, prosecutors and judges, the mandate holder points out that they are not yet familiar with the international standards to combat gender-based violence,

[67] Background note provided by UN-Women.

[68] Institute of Social Studies and Analysis, "Men and gender relations in Georgia", published within the framework of the United Nations Joint Programme to Enhance Gender Equality in Georgia, (2014), p. 12.

[69] Public Defender of Georgia, "The situation of human rights and freedoms in Georgia: 2014", p. 412.

[70] Ibid., p. 425.

particularly the Convention on the Elimination of All Forms of Discrimination against Women, its general recommendation No. 19 and the Declaration on the Elimination of Violence against Women, and therefore do not apply them in cases of violence against women.

81. The mandate holder welcomes the fact that three universities have introduced gender studies into the curriculum and welcomes the information provided by the Ministry of Education on plans to include gender equality in the curricula, but expresses concern that education on the Convention on the Elimination of All Forms of Discrimination against Women, the Committee's general recommendations and jurisprudence under its Optional Protocol on gender-based violence, is not yet part of the school curricula.

3. Training of professionals

82. Under the provisions of article 8 of the Law on Domestic Violence, social services are responsible for providing assistance and support to victims of domestic violence (art. 8 (b)) and monitoring the execution of protective and restraining orders (art. 8 (e)). While acknowledging the efforts of the Government, the Special Rapporteur notes that the 250 social workers currently employed by the Government and the limited resources allocated to their work do not seem to be enough to ensure effective implementation of the law. The Special Rapporteur also highlights the important role of teachers, doctors and social workers in identifying cases of violence and the importance for them to be adequately trained.

B. Protection

83. The Special Rapporteur was informed that the Government operates a free, 24-hour hotline staffed by lawyers for women victims of violence.[71] The hotline provides the following services: crisis aid, legal advice, psychological aid, information and referrals to shelters or crisis centres. The services are available in Georgian and Russian.[72] The mandate holder recognizes the State's efforts, but is concerned that the hotline is not yet available in all the languages spoken by ethnic minorities, thus preventing them from reporting cases of violence and seeking adequate protection.

84. A woman victim of violence who has not, or not yet, been granted the "status of victim" can receive support in crisis centres, which are run by non-governmental organizations. The mandate holder welcomes the announcement that the first State-run crisis centre for women victims of violence will open in September 2016.

85. At the time of the visit, there were three State-run shelters in Georgia (in Tbilisi, Kutaisi and Gori), operated by the State Fund for the Protection and Assistance of (Statutory) Victims of Human Trafficking, for victims of domestic violence who have officially been assigned the status of victim. The mandate holder highlights that women living in rural areas who escape from perpetrators of violence have to leave their villages and communities to live in shelters, mainly located in urban areas.

86. She welcomes the announcement that a fourth State-run shelter for victims of domestic violence has opened in the Kakheti region,[73] but stresses that the Council of

[71] Women Against Violence Europe, "Wave report 2014: specialized women's support services and new tools for combating gender-based violence in Europe", (Wave Network, 2015), p. 25.

[72] Public Defender of Georgia, "The situation of human rights and freedoms in Georgia: 2014", p. 433.

[73] The fourth shelter opened in early April in the Kakheti region. See http://georgia.unwomen.org/en/news/stories/2016/04/more-shelters-for-victims-of-domestic-violence-in-georgia.

Europe Task Force to Combat Violence against Women, including Domestic Violence estimates that there is a need for over 437 places for women throughout the country,[74] with a particular need in rural areas. She recognizes the work done by civil society organizations in providing protection services to women victims of violence and highlights how important it is for the Government to cooperate with and provide adequate financial or other support to those organizations.

87. The mandate holder was informed that the maximum duration of a woman's stay in a shelter is three months, subject to extension after an assessment of the personal situation of the beneficiary. Despite the Government's indications that the contract can be extended multiple times, it was reported to the Special Rapporteur that it was done only in rare cases.

88. She is concerned that, to date, the status of victim recognizes only victims of trafficking and victims of domestic violence as defined under the Law on Domestic Violence and that other women victims of violence remain beyond the scope of the law and protection, unable to seek refuge in State-run shelters. The mandate holder was informed that, in some cases, official recognition of the status of victim takes time, thus leaving the victim without effective protection.

89. The mandate holder was informed that, in numerous cases, victims of domestic violence have to report cases of violence several times to the police before a restraining order is issued.[75] For example, she was informed that in 2013, the police were called to more than 5,447 incidents of domestic "conflict", but that only 212 restraining orders were issued.[76] It was also reported that victims are not well informed by police officers, who sometimes do not explain that it is possible to request a restraining order.

90. The Special Rapporteur welcomes the data shared by the Government reflecting the increasing number of restraining orders issued over the past two years. In 2014, 945 restraining orders were issued, while in 2015, 2,607 such orders were issued. However, she highlights that these orders are valid for a maximum of one month and she remains concerned about the data on the issuance of protective orders (92 in 2014 and 173 in 2015), which provide longer-term protection to victims and are valid for up to six months. This major difference has yet to be studied or properly addressed, since the underuse of longer-term protective orders raises questions about their effectiveness and the relationship between restraining and protective orders (see CEDAW/C/GEO/CO/4-5).

91. The Special Rapporteur was informed that police officers have benefited from training workshops and are now more proactive in issuing restraining orders. She welcomes the fact that more women have joined the police force, because they can play an important role in identifying victims and providing them with information. She also welcomes the fact that, generally speaking, police patrols sent to assess cases of domestic violence are composed of one man and one woman.[77]

92. Nevertheless, the mandate holder expresses serious concerns about the persistence of stereotypes among police officers and the fact that some police officers in rural areas still issue "warning letters", devoid of any legal value, through which perpetrators agree not to exercise violence against their partner. She stresses the fact that such letters do not provide protection for victims and do not permit a person to be held to account for acts of violence committed in the past.[78]

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[74] See http://www.feminizmi.org/wp-content/uploads/2015/04/country-report-georgia.pdf.
[75] Public Defender of Georgia, "The situation of human rights and freedoms in Georgia: 2014", p. 431.
[76] Background note provided by Union Sapari.
[77] See www.state.gov/documents/organization/236738.pdf.
[78] Public Defender of Georgia, "The situation of human rights and freedoms in Georgia: 2014", p. 427.

93. The Special Rapporteur is also concerned that some cases of violence are still registered by the police as "family conflict" cases and no assessment is carried out to ascertain the danger to the life of the victim. She was informed that in numerous cases the police do not provide adequate assistance, or information on shelters or restraining orders, to victims of domestic violence and that in many cases, investigations are halted when a victim withdraws her statement. Reports suggest that the police do not adequately document cases involving domestic violence and point to weaknesses with regard to the collection of evidence and the drafting of police reports, which can hinder the prosecution of perpetrators of violence.[79] The mandate holder was informed that despite the new obligation for the police to immediately notify the victim of domestic violence when the convicted perpetrator leaves prison, the implementation of this requirement has been poor. All these issues may expose the victim to more violent, or even fatal, attacks by the perpetrator.

C. Prosecution

94. The Special Rapporteur was informed about difficulties in initiating criminal proceedings without the victim's complaint, as there is no ex officio prosecution of perpetrators of domestic violence. Interlocutors also reported that prosecutors do not conduct timely and effective investigations into cases of domestic violence. The number of prosecutions is low, in comparison with the number of cases reported.

95. As an example, the mandate holder noted that, in cases of femicide, various articles of the Criminal Code may be applied: article 108, on murder; article 109, on murder under aggravating circumstances; article 111, on intentional murder in a state of sudden, strong emotional excitement; article 117, on the intentional infliction of a grave injury leading to death; and article 115 on incitement to suicide.[80] An analysis of cases of femicide revealed shortcomings on the part of prosecutors and the judiciary in identifying crimes as femicide, classifying them, defining any mitigating or aggravating circumstances and imposing sanctions on perpetrators.[81] The study revealed that no gender motivation was identified in any of the 12 cases analysed.[82]

96. The Special Rapporteur also recalls the case *X. and Y. v. Georgia*, which shows patterns that are observed in some other ongoing cases at the national level, in particular the lack of a proper and timely investigation into cases of abuse, the view that violence against women is a private matter and the refusal by the Public Prosecutor's Office to bring charges against the victim's husband.

97. The 2014 Law on Domestic Violence prescribed the right for a victim of domestic violence to claim compensation in cases where the damage incurred to the victim is not compensated from other sources envisaged under domestic legislation. The mandate holder was informed that the Government had yet to decide how to calculate the amount of compensation to be granted to a victim of domestic violence and had yet to establish a procedure for granting such compensation.

[79] Ibid.
[80] See the study on femicide conducted by the Georgian Young Lawyers Association.
[81] Ibid.
[82] Ibid.

VII. Conclusions and recommendations

98. **The Special Rapporteur highlights that, throughout the visit, the Government demonstrated its willingness to combat discrimination against women and address violence against women, including by amending different laws in order to improve the legal framework and to strengthen implementation. With respect to the observed gaps in the fulfilment by the State of its obligations, including the obligation to act with due diligence to prevent violence against women, to protect and provide remedies to women who have been subjected to violence and to prosecute and punish perpetrators, the Special Rapporteur would like to address the recommendations listed below to the Government of Georgia.**

Law and policy reforms

99. **The Special Rapporteur recommends that the Government:**

(a) **Improve the legal and policy framework on violence against women, in order to establish a holistic and comprehensive national framework to prevent violence against women, and speedily adopt the envisaged amendments to bring national legislation on violence against women and gender equality into line with the Convention on the Elimination of All Forms of Discrimination against Women and the Istanbul Convention;**

(b) **Accelerate the ratification of the Istanbul Convention;**

(c) **Provide mandatory training to law enforcement officers and members of the judiciary, including judges and prosecutors, on the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol, the general recommendations of the Committee on the Elimination of Discrimination against Women and the Committee's jurisprudence on violence against women, as well as training on the Istanbul Convention and national legislation, with a view to training those officials to apply the provisions of the Convention directly and to interpret national legal provisions in the light of the Committee's jurisprudence;**

(d) **Support the judiciary in its efforts to create a compendium on international and national jurisprudence on violence against women;**

(e) **Establish a national mechanism for implementing treaty body decisions, including the recommendations put forward by the Committee on the Elimination of Discrimination against Women in *X. and Y. v. Georgia* on the allocation of adequate financial compensation to the victims;**

(f) **Ensure that legislation is applied by all authorities that deal with family issues, including the Council of Men Elders and the Council of Women Elders, who should interpret religious norms in line with international human rights law and standards;**

(g) **Revise the Law on the Elimination of Domestic Violence, Protection of and Assistance to Victims of Domestic Violence, and expand its scope to cover violence against women;**

(h) **Remove the restrictive legal and administrative procedures for determining the status of victims of domestic violence, in order to ensure that victims are immediately able to benefit from all protective measures (restraining and protective orders) and services (shelters);**

(i) Amend the definition of rape in the Criminal Code to ensure compliance with the Convention on the Elimination of All Forms of Discrimination against Women and the Istanbul Convention;

(j) Consider including a provision on battered women syndrome as a mitigating circumstance in cases where a wife exposed to long-term domestic violence kills her spouse;

(k) Amend the current provision on mediation to ensure that there is no mandatory mediation in cases of violence against women;

(l) Amend the Law on Medical Practice, the Law on Patient Rights, the Law on Higher Education, the Law on General Education and the Law on Lawyers, in order to prevent doctors, medical personnel, teachers and lawyers from being bound by confidentiality requirements with regard to reporting to the relevant governmental agencies cases of violence against women or domestic violence, and provide the above-mentioned professionals with training on the prevention and detection on such violence;

(m) Amend the Law of Georgia on the Legal Status of Aliens and Stateless Persons, in order to allow a foreign woman who has been the victim of violence to receive a temporary residence permit;

(n) Analyse the effectiveness of restraining and protective orders, including the reasons for the significant differences between the high number of restraining orders and the low number of protective orders issued, and ensure that restraining orders are valid from the moment they are issued by a police officer;

(o) Draft a law on medically assisted procreation, including surrogacy, in order to establish the legal grounds for such procedures and to protect women and children's rights in cases relating to surrogacy;

(p) Introduce legal requirements to protect women's rights to privacy and fully informed consent with regard to virginity tests;

(q) Introduce legislation to prohibit and punish sexual harassment in education establishments and in the workplace;

(r) Introduce temporary special measures, in line with article 4 (1) of the Convention on the Elimination of All Forms of Discrimination against Women, or introduce mandatory quotas for women in Parliament;

(s) Elaborate and adopt the new National Action Plan for Combating Domestic Violence and Implementing Measures for the Protection of Victims of Domestic Violence;

(t) Draft and adopt a new national action plan on women, peace and security, with the participation of all relevant agencies, in particular those working in local communities;

(u) Strengthen efforts to combat discriminatory gender stereotypes in society, including in the media;

(v) Introduce education on gender equality, violence against women and age-appropriate sexual and reproductive health and rights into the curriculum at all levels of education;

(w) Conduct awareness-raising campaigns and programmes, including in cooperation with the Public Defender and civil society, to increase awareness and understanding among the general public and professionals of different forms of

violence against women, their causes and consequences, with the aim of preventing such violence.

Investigation, prosecution support services and protective measures

100. **The Special Rapporteur recommends that the Government:**

(a) **Continue to increase the number of women police officers and employ male and female police officers when dealing with cases of domestic violence;**

(b) **Fully eliminate the issuance of warning letters by police officers in cases of domestic violence;**

(c) **Ensure that an assessment of the danger to the life of the victim, the seriousness of the situation and the risk of repeated violence is carried out by all relevant authorities at all stages of the investigation, in order to mitigate risk and provide protection and support to victims;**

(d) **Increase the number of State-run shelters and crisis centres, their availability and the services they provide, in particular in rural areas, as well as the number of social workers in them and the level of financial support the shelters or centres receive;**

(e) **Provide training to social workers, teachers and doctors on identifying cases of domestic violence;**

(f) **Ensure that support services are available to victims of violence in all ethnic minority languages;**

(g) **Increase the support provided to social workers working on implementation of assistance and support measures for victims of domestic violence;**

(h) **Determine the amount of compensation to be granted to victims of domestic violence, as well as the procedure for granting such compensation.**

National mechanisms

101. **The Special Rapporteur recommends that the Government:**

(a) **Strengthen the Gender Equality Council by providing it with adequate human, technical and financial resources, increasing its visibility and effectiveness and strengthening its capacity;**

(b) **Establish a comprehensive national mechanism, within the executive branch, to coordinate policies and measures to prevent and combat violence against women;**

(c) **Provide adequate funding for the work of the Public Defender's Office to enable it to fulfil its mandate, especially with respect to its work on violence against women;**

(d) **Increase cooperation with and the support provided to non-governmental organizations working on violence against women;**

Collection of data and prevention of violence against women

102. **The Special Rapporteur recommends that the Government:**

(a) **Collect disaggregated data on all forms of violence against women;**

(b) **Conduct regular population-based surveys to assess the prevalence of, and trends relating to, different forms of violence against women;**

(c) Establish a "femicide watch" or "gender-related killing of women watch", collect and publish annually data on the number of femicides and establish a new body (or entrust an existing body) to analyse each case of femicide to identify protection failures, with a view to improving and developing further preventive measures;

(d) Collect and analyse data on suicides among women victims of violence;

(e) Ensure that all child marriages are registered, and collect data, disaggregated by sex and age, on all marriages involving at least one minor partner, including on those with and without the authorization of the courts;

(f) Strictly enforce the criminal law provision banning forced marriages, and collect data on prosecution rates;

(g) Develop a joint strategy to raise awareness among parents, teachers and law enforcement agencies on the issues of forced marriage and existing legislative regulations relating thereto, in particular in rural areas;

(h) Adopt measures to prevent sex-selective abortions and ensure the regular publication of birth registration data, disaggregated by sex and region, with a view to identifying the reasons behind these abortions and raising public awareness of the negative long-term effects of such practices.